

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
523**

**RESIDENTIAL CONFINEMENT PROGRAMS**

**Supersedes:** AR 523 (Temporary, 03/19/10)

**Effective date:** 05/20/10

**AUTHORITY:**

NRS 209.392  
NRS 209.3925  
NRS 209.425  
NRS 209.427  
NRS 209.429

**RESPONSIBILITY**

The Offender Management Administrator (OMA) is responsible for the classification and implementation of residential confinement programs.

**523.01 DUI PROGRAM (305 Program)**

1. Only those inmates incarcerated for the crimes of DUI or DUI Causing Death and/or Substantial Bodily Harm may be referred to this program.

A. Those inmates convicted of DUI Causing Death and/or Substantial Bodily Harm must serve a minimum of 2 (two) years incarcerated within the Nevada Department of Corrections before consideration for program eligibility.

2. Candidates for 305 must meet the following criteria:

A. Must be within 1 (one) year of a possible parole or discharge on their last sentence.

B. Must have a reasonable prospect of employment and residence within an area approved by the Division of Parole & Probation (P&P).

C. Must have no felony conviction involving the use or threat of force within the preceding three years.

D. Must have no violence in the instant offense.

- E. Must be otherwise eligible for minimum custody per AR 521.
- 3. Candidates for 305 Residential Confinement (Res Con), will be screened for suitability and approved by the Department of Parole & Probation (P&P).
  - A. Disagreements regarding the suitability of a candidate will be settled by consensus between the director and the Chief of P&P.
  - B. Completion of a substance abuse treatment program is not required for Res Con eligibility.

### **523.02 RESIDENTIAL CONFINEMENT (317 Program)**

- 1. 317 is a Res Con program for non-violent inmates who are not DUI offenders.
- 2. Candidates for 317 must meet the following criteria:
  - A. No felony conviction involving the use or threat of violence within the preceding three years.
  - B. No instant offense violence.
  - C. No current or prior conviction for a category "A" or violent "B" felony.
  - D. Must have no more than one prior felony conviction.
  - E. Concurrent sentences are considered to be separate felonies if they arise out of separate criminal incidents.
  - F. Must be on last sentence.
  - G. Must be able to provide a work and residential program in a Nevada community approved by P&P.
  - H. Must have the ability to pay the costs of supervision to P&P.
  - I. Must be otherwise eligible for minimum custody per AR 521.
  - J. Must be within 2 years of probable release on parole or discharge.
- 3. Candidates for 317, Residential Confinement (Res Con), will be approved by P&P.
  - A. Disagreements regarding the suitability of a candidate will be settled by consensus between the director and the Chief of P&P.

### **523.03 RE-ENTRY COURT**

1. The Re-entry Court is a Res Con program operated by district courts in the state to address the substance abuse treatment needs of the inmate.
2. Candidates for Re-entry Court must meet the following criteria:
  - A. The inmate must have a program of employment and residence or be willing to accept the assistance of the supervising court.
  - B. Must have the ability to pay all costs of treatment, restitution, and supervision as determined by the court.
  - C. Must be within 2 years of probable release on parole or discharge.
  - D. No felony conviction involving the use or threat of violence in the past 1 year.
  - E. No instant offense violence.
  - F. Must be otherwise eligible for minimum custody per AR 521.
3. The inmate may be released to P&P for the Re-entry Court when that agency has approved the work and residence plan for the inmate.

### **523.04 COMPASSIONATE RELEASE (298 Program)**

1. The criteria for consideration for the 298 program is as follows:
  - A. The inmate must be so physically handicapped that they do not or likely will not in the future pose a threat to public safety.
  - B. The inmate is in such ill health that he is expected to die within 12 months and there is a high probability that they will not represent a threat to public safety.
  - C. The inmate is not serving a sentence of life without the possibility of parole.
  - D. The inmate is not sentenced to death or has not previously served a sentence of death.
2. The medical staff should identify candidates for the 298 program per the requirements of NRS 209.3925.
3. The OMA will review the medical recommendation and certified letters and prepare a recommendation for the director.

4. If approved by the director:

A. The inmate must authorize the release of his medical information to the victims of his crime.

B. The victim's services officer will notify the victims of the department's intent to place the inmate on the 298 program.

C. The OMA will notify the county commissioners per the requirements of NRS 209.3925.

D. The OMA will notify P&P of the decision and the release plan of the inmate.

5. The OMA may coordinate the release of the inmate to P&P effective 45 days after notice has been provided to the county commissioners. Delivery to the commission is assumed to have occurred 3 days after mailing.

A. If approved for participation by the advisory board, the inmate will be released to P&P when that agency has completed residential and employment reviews and approvals.

6. The department is not responsible for the medical care or costs of inmates placed on the 298 program.

#### **523.05 GENERAL PROVISIONS FOR RESIDENTIAL CONFINEMENT**

1. Inmates assigned to Res Con are not entitled to any benefits or to participate in any program provided to offenders in the physical custody of the department.

2. Prior to any Res Con placement, the victim services coordinator should notify any victims or interested persons who have identified themselves to the department.

3. Any inmate who escapes from Res Con is deemed an escapee from the department.

4. P&P shall supervise inmates on Res Con.

5. P&P shall notify the department and make a referral to the attorney general for the prosecution of escaped inmates from Res Con.

6. P&P may use electronic monitoring to assist in supervising inmates in the 305 and Re-Entry programs and shall use electronic monitoring for inmates in the 317 and 298 programs.

7. Inmates who violate any law, or any rule of the department or P&P, may be returned to the department for disciplinary action and classification review.


8. Residences for the purposes of all residential confinement programs and compassionate release must be within the state, in areas approved by P&P for the appropriate supervision.

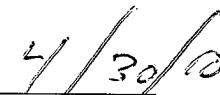
#### **APPLICABILITY**

1. This regulation requires an operational procedure within the Offender Management Division and Victims Services Unit.
2. This regulation requires an audit.

#### **REFERENCES:**

ACA standard 4-4390;  
AR 521

  
Howard Skolnik, Director

  
Date